

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Court No. 05-11590-GAO
)	
KENNETH F. KOMENDA,)	
)	
Defendant.)	

UNITED STATES' MOTION FOR DEFAULT JUDGMENT

Pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure, the plaintiff, United States of America, moves this Court to enter judgment by default against the defendant, Kenneth Komenda (hereinafter "Komenda"), for failing to plead to, or otherwise defend, the complaint for the above captioned action.

In support, the United States says:

1. According to our office records, Komenda is indebted to the United States for the principal amount of \$18,821.85; plus \$2,582.04 accrued interest at the rate of 5.13% percent; plus costs. The total balance as of March 1, 2006 was \$21,820.54.
2. The submitted affidavit of Tricia L. Desingco, Paralegal for the United States Attorney's Office Financial Litigation Unit, Boston, Massachusetts, establishes that the United States is entitled to recover judgment on default.

WHEREFORE, the United States requests this Court to enter a default judgment against Komenda in the sum of \$21,820.54; plus interest from the date of judgment at the legal interest rate, computed daily and compounded annually until paid in full; plus costs for this action, including a \$250.00 filing fee pursuant to 28 U.S.C. § 2412(a)(2).

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3303

Dated: March 1, 2006

CERTIFICATE OF SERVICE

Suffolk, s.s.

Boston, MA

I hereby certify that paper copies will be sent to Kenneth Komenda, a non registered participant on this day, March 1, 2006 at Hyannis, MA.

/s/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney

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KENNETH F. KOMENDA,)	
)	
Defendant.)	

AFFIDAVIT SUPPORTING UNITED STATES' MOTION
FOR DEFAULT JUDGMENT

I, Tricia L. Desingco, state under oath that:

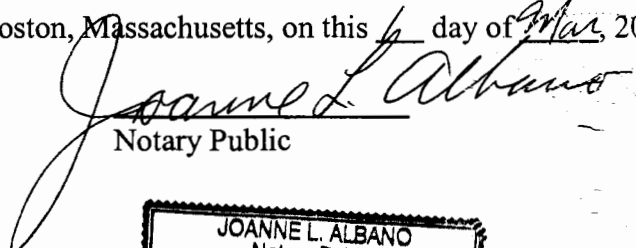
1. I am a Paralegal with the United States Attorney's Office Financial Litigation Unit located in Boston, Massachusetts.
2. In that capacity, I process and maintain debt collection cases, including the case of Kenneth Komenda (hereinafter "Komenda"). I am also the custodian of the records for such cases.
3. According to the records, which I have examined, and to the best of my knowledge, Komenda is neither an infant nor an incompetent person.
4. According to the records of the Department of Defense Manpower Data Center, the defendant is not an active member of the armed services of the United States and is not entitled to protection under the Soldiers' and Sailors' Civil Relief Act of 1940.

5. Upon the claim stated in the complaint, Komenda is indebted to the United States for the principal amount of \$18,821.85; plus \$2,582.04 accrued interest at the rate of 5.13% percent; plus costs for this action, including a \$250.00 filing fee pursuant to 28 U.S.C. § 2412(a)(2).

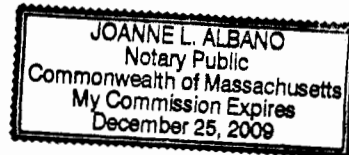

Tricia L. Desingco
Paralegal

Date: March 1, 2006

Signed and sworn to before me at Boston, Massachusetts, on this 1 day of Mar, 2006.


Notary Public

My commission expires:



UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,)
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Defendant.)

JUDGMENT BY DEFAULT

The defendant, Kenneth Komenda, having failed to plead or otherwise defend in this action and its default having been entered,

Now, upon application of the plaintiff and affidavits demonstrating that the defendant owes the plaintiff the sum of \$21,820.54; that defendant is not an infant or incompetent person or in the military service of the United States, and that plaintiff has incurred costs, including a \$250.00 filing fee pursuant to 28 U.S.C. § 1914, it is hereby

ORDERED, ADJUDGED, AND DECREED that the plaintiff, United States of America, recover from the defendant, Kenneth Komenda, the sum of \$21.820.54; plus interest from the date of judgment at the legal rate, computed daily and compounded annually until paid in full; plus costs for this action, including a \$250.00 filing fee pursuant to 28 U.S.C. § 1914.

Sarah A. Thornton
Clerk, United States District Court

By:

Deputy Clerk

Dated: